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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/671,989      | 09/26/2003  | Takao Mori           | 09792909-5693       | 8855             |

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| EXAMINER |
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ROY, SIKHA

|          |              |
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| ART UNIT | PAPER NUMBER |
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2879

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

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|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/671,989             | MORI ET AL.         |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Sikha Roy              | 2879                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 7-10 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of Group I, claims 1-6 in the reply filed on August 26, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 7-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. The limitation reciting 'a relative film thickness is 0.95 or more' in claim 2 is not clear and thus renders the claim indefinite. For continuing examination 'relative film thickness' is considered as 'average film thickness' in an area within 2mm from the end face of the sealing substrate where there is a film thickness distribution.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication 2001/0031379 to Tera et al.

Regarding claim 1 Tera discloses (Figs. 1, 2 and 5 sections [0029]-[0034], [0045], [0046]) a display device 100 comprising a driving substrate 1 having a display area with pixels G, a sealing substrate 7 (resin film) which is arranged on a side where the display area of the driving substrate 1 is provided, a protective film 6 which covers the display area and exposes the external connection area (connection terminals being exposed) 2a, 5a adjacent to the display area, the sealing substrate 7 is arranged in an area corresponding to the display area. Furthermore Tera discloses in Fig. 5 that the end face of the protective film 6 is formed along a vertical plane including the end face of the sealing substrate 7 which lies on the same side as the end face of the protective film lies.

Regarding claim 2 Tera discloses (Fig. 5) that when the film thickness of the protective film 6 in the position sufficiently inside from the end face of the sealing substrate 7 is 1, the average film thickness at the end face and within some distance (including distance of 2 mm) close to the end face is also 1, there being no film thickness distribution of the protective film 6 in that area. The examiner notes that the average film thickness 1 of the protective film thus lies in the claimed range, as the average thickness being 0.95 or more includes the value 1.

Regarding claim 3 Tera discloses in Fig. 5, the end face of the protective layer 6 corresponds to the vertical plane and hence the distance D between the lower end of the end face of the protective film and the vertical plane including the end face of the

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sealing substrate is zero, which is within the claimed range (less than 2 mm includes the value of zero).

Regarding claim 4 Tera discloses in Fig. 5 the lower end of the end face of the protective film 6 and the vertical plane including the end face of the sealing substrate 7 are vertically aligned and hence the angle  $\theta$  which is made by a plane on the face drawn from an upper end to the lower end of the end face of the protective film in relation to the vertical plane is 0 ( $\theta = 0^\circ$ ) and hence  $D = T (\tan 0) = 0$  is satisfied, T being the thickness of the protective film in the position sufficiently inside from the end face of the sealing substrate.

Regarding claim 5 Tera discloses (sections [0028], [0029]) an organic light-emitting device 100 having an organic luminescent layer 4 between a first electrode 5 and a second electrode 2 and which sends out light generated in the light-emitting layer 4 from the second electrode side formed in the display area.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,720,203 to Carcia et al.

Regarding claim 1 Carcia discloses (Figs. 3, 4 column 3 lines 57-67, column 4 lines 1-30) a display device 10 comprising a driving substrate 20 (first flexible barrier structure) having a display area, a sealing substrate 61A (polymeric layer) which is arranged on a side where the display area of the driving substrate is provided, a protective film 62 which covers the display area and exposes the external circuit 100 (Fig.3) connection area adjacent to the display area, the sealing substrate is arranged in

an area corresponding to the display area. Furthermore Carcia discloses in Fig. 4 that the end face of the protective film 62 is formed along a vertical plane including the end face of the sealing substrate 61A, which lies on the same side as the end face of the protective film lies.

Regarding claim 2 Carcia discloses (Fig. 4) that when the film thickness of the protective film 62 in the position sufficiently inside from the end face of the sealing substrate 61A is 1, the average film thickness at the end face and within some distance (including distance of 2 mm) close to the end face is also 1, there being no film thickness distribution of the protective film 62 in that area. The examiner notes that the average film thickness 1 of the protective film thus lies in the claimed range, as the average thickness being 0.95 or more includes the value 1.

Regarding claim 3 Carcia discloses in Fig. 4 the distance D between the lower end of the end face of the protective film and the vertical plane including the end face of the sealing substrate is zero, which is within the claimed range (less than 2 mm includes the value of zero).

Regarding claim 4 Carcia discloses in Fig. 4 the lower end of the end face of the protective film 62 and the vertical plane including the end face of the sealing substrate 61A are vertically aligned and hence the angle  $\theta$  which is made by a plane on the face drawn from an upper end to the lower end of the end face of the protective film in relation to the vertical plane is 0 ( $\theta = 0^\circ$ ) and hence  $D = T (\tan 0) = 0$  is satisfied T being

the thickness of the protective film in the position sufficiently inside from the end face of the sealing substrate.

Regarding claim 5 Carcia discloses (column 8 lines 16-35, column 10 lines 10-31) the light-emitting device 10 comprises an organic light emitting layer (active layer) 40 between a first electrode 50 and a second electrode 30 and which sends out light generated in the light emitting layer 4 from the second electrode side formed in the display area.

Regarding claim 6 Carcia discloses (column 4 lines 52-55) the driving substrate 20 and the sealing substrate 61A are bonded with an adhesive layer 70 in between.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,781,746 to Yamazaki et al. discloses a configuration (Fig.1B) of an organic EL device with a protective film formed along a vertical plane including the end face of the sealing substrate. U.S. Patent Application Publication 2004/0046501 to Hayashi discloses (section [0094]) sealing substrate formed of resin that is one of polyolefine, polyester, a polyethylene vinyl acetate copolymer. U.S. Patent 6,686,063 to Kobayashi discloses an organic EL device having a sealing layer of width of 1.0 to 2.0 mm at the end face providing sufficient sealing performance and preventing deterioration of the display at the peripheral portion.



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***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (571) 272-2463. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Sikha Roy*

Sikha Roy  
Patent Examiner  
Art Unit 2879